
By: **Delegates Shriver, Bronrott, Grosfeld, and Mandel**
Introduced and read first time: February 5, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support Payments - Enforcement - Suspension or Denial of**
3 **Recreational Licenses**

4 FOR the purpose of authorizing the Child Support Enforcement Administration to
5 request certain licensing authorities to suspend or deny certain recreational
6 licenses under certain circumstances; requiring certain licensing authorities to
7 suspend or deny certain recreational licenses under certain circumstances;
8 providing for certain administrative procedures and certain due process
9 protections applicable to the suspension or denial of certain recreational
10 licenses; altering a certain definition; and generally relating to the suspension
11 or denial of certain recreational licenses in order to enforce certain child support
12 payments.

13 BY repealing and reenacting, with amendments,
14 Article - Family Law
15 Section 10-119.3
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2000 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Family Law**

21 10-119.3.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) "License" means any license, certificate, registration, permit, STAMP,
24 or other authorization that:

25 (i) is issued by a licensing authority;

26 (ii) is subject to suspension, revocation, forfeiture, or termination
27 by a licensing authority; and

1 (iii) is necessary for an individual to:

2 1. practice or engage in a particular business, occupation, or
3 profession; OR

4 2. ENGAGE IN A REGULATED RECREATIONAL ACTIVITY,
5 INCLUDING HUNTING, FISHING, AND BOATING.

6 (2) (i) "Licensing authority" means a department, unit of a
7 department, commission, board, or office of the State.

8 (ii) "Licensing authority" includes:

9 1. the Department of Labor, Licensing, and Regulation;

10 2. the Department of Health and Mental Hygiene;

11 3. the Department of Human Resources;

12 4. the Department of Transportation;

13 5. the Department of the Environment;

14 6. the Comptroller of the Treasury;

15 7. the Department of Agriculture;

16 8. the Maryland Insurance Administration;

17 9. the Public Service Commission;

18 10. the Secretary of State;

19 11. the State Department of Education;

20 12. the Department of Natural Resources;

21 13. the Office of the Attorney General; and

22 14. the clerks of the court that are authorized to issue a
23 license or certificate for professional services or recreational uses.

24 (b) A licensing authority shall:

25 (1) require each applicant for a license to disclose the Social Security
26 number of the applicant.

27 (2) record the applicant's Social Security number on the application.

28 (c) (1) To carry out its responsibility under State and federal law, the
29 Administration may request from a licensing authority information concerning any
30 obligor in arrears in paying child support through a support enforcement agency.

1 (2) A request for information by the Administration under paragraph (1)
2 of this subsection:

3 (i) shall contain:

4 1. the full name of the obligor; and

5 2. the Social Security number of the obligor; and

6 (ii) may be transmitted to a licensing authority using an electronic
7 format.

8 (3) A request for information may not be made by the Administration to
9 a licensing authority more frequently than four times in each calendar year except
10 with respect to an obligor whom the Administration has reason to believe is licensed
11 by, or has applied for a license from, the licensing authority.

12 (4) In addition to requests for information under this subsection, the
13 Administration may request a licensing authority to periodically share its licensing
14 database with the Administration.

15 (d) (1) Upon receipt of a request for information under subsection (c) of this
16 section, a licensing authority shall submit the following information to the
17 Administration with respect to each obligor who is licensed by, or has applied for a
18 license from, the licensing authority:

19 (i) the full name of the obligor;

20 (ii) the address of the obligor, if known;

21 (iii) the Social Security number of the obligor, if known; and

22 (iv) a description of the license held by the obligor.

23 (2) The information may be transmitted to the Administration in an
24 electronic format.

25 (3) Except as otherwise provided by law, any record compiled under this
26 subsection shall be made available only to a person who has a right to the record in an
27 official capacity.

28 (e) (1) Subject to the provisions of subsection (f) of this section, the
29 Administration may request a licensing authority to suspend or deny an individual's
30 license if:

31 (i) 1. the individual is in arrears amounting to more than 120
32 days under the most recent order; and

33 2. A. the Administration has accepted an assignment of
34 support under Article 88A, § 50(b)(2) of the Code; or

1 B. the recipient of support payments has filed an application
2 for support enforcement services with the Administration; or

3 (ii) the individual has failed to comply with a subpoena issued by
4 the Administration under § 10-108.4 of this subtitle.

5 (2) Upon notification by the Administration under this section, a
6 licensing authority shall:

7 (i) suspend an individual's license; or

8 (ii) deny the license of an individual who is an applicant for a
9 license from the licensing authority.

10 (f) (1) At least 30 days before requesting a licensing authority to suspend or
11 deny a license, the Administration shall:

12 (i) send written notice of the proposed action to the individual
13 whose license is subject to suspension under this section, including notice of the
14 individual's right to request an investigation; and

15 (ii) give the individual a reasonable opportunity to contest the
16 accuracy of the information.

17 (2) (i) Upon receipt of a request for investigation from an individual
18 whose license is subject to suspension, the Administration shall conduct an
19 investigation.

20 (ii) Upon completion of the investigation, the Administration shall
21 notify the individual of the result of the investigation and the individual's right to
22 appeal to the Office of Administrative Hearings.

23 (3) (i) An appeal under this section shall be conducted in accordance
24 with Title 10, Subtitle 2 of the State Government Article.

25 (ii) An appeal shall be made in writing and shall be received by the
26 Office of Administrative Hearings within 30 days after the notice to the individual
27 whose license is subject to suspension of the results of the investigation.

28 (4) If, after the investigation or appeal to the Office of Administrative
29 Hearings, the Administration finds that it erred in making a decision, the
30 Administration may not send a notification about an individual to a licensing
31 authority.

32 (g) The Administration may not send a notification about an individual to a
33 licensing authority if:

34 (1) with respect to an individual with a child support arrearage:

1 (i) the Administration reaches an agreement with the individual
2 regarding a scheduled payment of the child support arrearage or a court issues an
3 order for a scheduled payment of the child support arrearage; and

4 (ii) the individual is complying with the agreement or court order;
5 or

6 (2) with respect to an individual who failed to comply with a subpoena
7 issued under § 10-108.3 of this subtitle, the individual has complied with the
8 subpoena.

9 (h) Prior to the suspension or denial of a license under subsection (e) of this
10 section, a licensing authority shall send written notice of the proposed action to the
11 individual whose license is subject to suspension or denial, including notice of the
12 individual's right to contest the identity of the individual whose license or application
13 is to be suspended or denied.

14 (i) (1) An individual may appeal a decision of a licensing authority to
15 suspend or deny the individual's license in accordance with Title 10, Subtitle 2 of the
16 State Government Article.

17 (2) At a hearing under this subsection, the issue shall be limited to
18 whether the Administration has mistaken the identity of the individual whose license
19 has been suspended or denied.

20 (j) The Administration shall notify the licensing authority to reinstate any
21 license suspended or denied under this section within 10 days after the occurrence of
22 any of the following events:

23 (1) the Administration receives a court order to reinstate the suspended
24 license; or

25 (2) with respect to an individual with a child support arrearage, the
26 individual has:

27 (i) paid the support arrearage in full; or

28 (ii) demonstrated good faith by paying the ordered amount of
29 support for 4 consecutive months; or

30 (3) with respect to an individual whose license was suspended or denied
31 because of a failure to comply with a subpoena issued under § 10-108.3 of this
32 subtitle, the individual has complied with the subpoena.

33 (k) A licensing authority shall immediately reinstate any license suspended,
34 or process an application for any license denied, under this section if:

35 (1) notified by the Administration that the license should be reinstated;
36 and

1 (2) the individual otherwise qualifies for the license.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 July 1, 2001.